AO 91 (Rev. 08/09) Criminal Complaint

# UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED
NOV 25 2016
Clerk of Court

United States of America
v.

Jonathan FUENTES
YOB: 1996 Citizenship: USC

*Defendant(s)*

Case No M-16-2169-M

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 24, 2016 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

| *Code Section* | *Offense Description* |
|---|---|
| 21 USC 841 | Possession of a Controlled Substance |
| 21 USC 952 | Distribution of a Controlled Substance |

This criminal complaint is based on these facts:
On November 24, 2016, at approximately 5:40 a.m., Homeland Security Investigation, McAllen, Texas, Special Agent (SA) Richard L. Ullrich received information that a tan 2007 Chevrolet Equinox displaying Texas license plates (HTB-1863) attempted to enter the United States from the Republic of Mexico through the Hidalgo, Texas, Port of Entry.

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Approved to file AUSA

*Complainant's signature*

Richard L. Ullrich, U.S. HSI Special Agent
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 11/25/2016

*Judge's signature*

City and state: McAllen, Texas

U.S. Magistrate Judge Janice B. Ellington
*Printed name and title*

**Attachment "A"**

On November 24, 2016, at approximately 5:40 a.m., Homeland Security Investigation, McAllen, Texas, Special Agent (SA) Richard L. Ullrich received information that a tan 2007 Chevrolet Equinox displaying Texas license plates (HTB-1863) attempted to enter the United States from the Republic of Mexico through the Hidalgo, Texas, Port of Entry. The driver and sole occupant of the vehicle was later identified as Jonathan FUENTES.

At pre-primary inspection Customs and Border Protection Officer (CBPO) Sergio Hernandez received a negative declaration from FUENTES, The vehicle was subsequently referred to secondary based upon an Automated Targeting System selection. In the secondary inspection area CBPO Manuel Hernandez observed a dull sound from the vehicles rear floorboard. CBPO Hernandez then pulled the interior carpet back revealing a false compartment, CBPO Hernandez opened the false compartment and observed several packages. Canine Enforcement Officer (CEO) E. Clough received a positive response from his narcotics detector dog (NDD) to an airborne odor emitting from within the vehicle driven by FUENTES. At this time the vehicle was referred to the Vehicle and Cargo inspection Station (VACIS) for an intensive examination, which resulted in the observation of amolies within the rear floorboard of the 2007 Chevrolet.

A subsequent search revealed 16 packages of a white powdery substance that field-tested positive for cocaine. The total weight of the cocaine was 18.42 kilograms (40.52 pounds).

FUENTES was read his rights in English by SA Ullrich from a preprinted form, and witnessed by CBPO Sal Saenz. FUENTES stated that he understood his rights, waived his rights, and agreed to an interview.

FUENTES stated that he did not know what was contained within the vehicle, but believed the vehicle contained narcotics, possibly Marijuana. FUENTES stated that he was not to be paid, but once the vehicle was delivered into the United States, FUENTES stated that his debt of $3000 was to be paid off. FUENTES stated that he took a loan out previously to buy the 2007 Chevrolet. FUENTES stated he was to drive the vehicle to the local Whataburger and someone would contact him and then take the vehicle.

The McAllen, Texas, Assistant United States Attorney office was contacted regarding the seizure and interview, at which time Federal Prosecution was accepted against FUENTES.